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FM AMEMBASSY ABU DHABI
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RHMFISS/DEPT OF JUSTICE WASHINGTON DC

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DEPARTMENT FOR NEA/FO, NEA/ARP, L

E.O. 12958: DECL: 03/09/2018
TAGS: [PREL](#) [PTER](#) [PGOV](#) [KCRM](#) [AE](#)
SUBJECT: MLAT STAGNANT WITHOUT CREATIVE APPROACH

REFS: A) ABU DHABI 44, B) 07 ABU DHABI 1518, C) 07 ABU DHABI
1096, D) 06 ABU DHABI 4035, E) 06 ABU DHABI 1129, F) 05 ABU
DHABI 1605, G) 04 ABU DHABI 4129, H) 04 ABU DHABI 4881, I) 04
ABU DHABI 2638

Classified by Charge d'Affaires Martin Quinn, reasons 1.4 (b)
and (d).

¶1. (C) Post received a diplomatic note dated February 12 stating yet again that the UAE looked forward to negotiation of a Mutual Legal Assistance Treaty (MLAT) in tandem with negotiation of an Extradition Treaty and a Treaty on Legal and Judicial Assistance in Civil and Commercial Matters. The note reiterated the UAE's stance that agreement to discuss all three treaties must precede the setting of a date for negotiations. Our most recent senior-level articulation of this linkage was from Foreign Minister Abdullah bin Zayed on January 10 (ref A).

¶2. (C) Acting DCM and OPDAT Resident Legal Advisor met with Ministry of Justice Under Secretary for International Cooperation Abdel Rahim al-Awadi on February 24 to review the possibilities for progress on an MLAT in spite of USG reservations on negotiating extradition. Al-Awadi stressed that we cannot iron out differences without airing those differences in a mutually constructive manner. Differences with the UK over capital punishment had been worked out by sitting together to find a solution, he emphasized. The UAE is in various stages of discussion on these treaties with the UK, France, Australia, Spain, Germany, and Italy, he continued, and hoped the U.S. would agree to discuss the three-treaty package. (Note: Although not mentioned during this meeting, the UAE is also negotiating the same treaty package with Iran, Russia, China and Belarus. End note.)

¶3. (C) Citing extradition as the UAE's highest priority among the three, al-Awadi pointedly asked what the USG feared about entering into formal discussion. We cannot move forward without starting to talk, he insisted, and need agreement to open a discussion to identify areas of convergence and disagreement. He was open to the idea of "negotiating" an MLAT while "discussing" extradition, but was not sanguine that the UAE would sign one ahead of the other. He lamented that the USG had not even commented on a draft extradition treaty presented by the UAE in 2001. The USG did not even appear willing to "open the door" to formal dialogue. Whether the draft is welcome or not, he insisted that the first step is to clarify what problems we see in the draft.

¶4. (C) Comment: The UAE has been consistent in insisting that its top priority of extradition be addressed in tandem with our higher priority goal of an MLAT. If the USG wants an MLAT bad enough, and it could certainly lubricate law

enforcement and counter-terrorism cooperation, then it is in our interest to take a flexible approach to opening the door to formal dialogue on extradition as well. The UAE has always been flexible with respect to the treaty on civil and commercial assistance, and Post is confident that this treaty would not necessarily need to be negotiated so long as the USG is willing to discuss both extradition and MLAT. End comment.
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